

independent land title agents as well as from groups like the Consumer Federation of America, the Center for Responsible Lending, Americans for Financial Reform and its 100 affiliates and the AFL-CIO.

I requested that the National Association of Independent Land Title Agents be invited to testify. I have heard concerns directly from title agents in my state that some referral sources ask to share ownership of their business. Since title insurance is based on referrals, when realtors, homebuilders and mortgage brokers refuse to provide referrals to a title agent firm, the firm may not be able to survive financially. Unfortunately, these independent unaffiliated title agents were not invited to testify nor was there another hearing on the bill.

Many organizations opposed the bill including the AFL-CIO, Alliance for a Just Society, Americans for Financial Reform, Center for Economic Justice, Center for Responsible Lending, Connecticut Fair Housing Center, Consumer Action, Consumer Federation of America, Consumers Union, Empire Justice Center, Home Defenders League, The Leadership Conference on Civil and Human Rights, NAACP, National Association of Consumer Advocates, National Association of Independent Land Title Agents, National Consumer Law Center (on behalf of its low income clients), National Council of La Raza, National Fair Housing Alliance, New Economic Project, Public Citizen, Woodstock Institute and Center for Responsible Lending.

These concerns about hidden referral commissions are not hypothetical. Last month, the Consumer Financial Protection Bureau (CFPB) fined RealtySouth, the largest real estate firm in Alabama for violations of the Real Estate Settlement and Practices Act (RESPA). RealtySouth improperly steered consumers to its affiliated firm, TitleSouth LLC. In addition, The CFPB has taken action against Borders & Borders PLC in Kentucky for funneling kickbacks to shell companies. In June, the CFPB fined Stonebridge Title Services in New Jersey for paying illegal kickbacks to referral sources.

Some who support H.R. 3211 say there are some fixed costs in lending that could result in lower valued mortgages to need to pay loans higher than the Qualified Mortgage guideline of points and fees established by smaller loans. However, the Consumer Financial Protection Bureau already provided for flexible definitions based upon the amount of a borrower's mortgage:

3 percentage cap on a loan balance at \$100,000 or greater, 5 percentage cap on a loan balance from \$20,000.00 to \$60,000, or 8 percentage cap on loan balances of less than \$12,500.

Since the average mortgage origination fees are below one percent according to the Center for Responsible Lending, the caps set by the QM are appropriate. I have not seen any compelling evidence that shows that lenders will not make loans if the title premiums charged by their affiliates are included in the points and fees cap. Lenders are free to make loans outside the ability to repay rules as well.

I have also heard the proponents of H.R. 3211 arguing that the availability of affiliate service providers helps reduce the overall cost of obtaining a mortgage loan. I question their evidence. The 2010 Harris Interactive study paid by the National Association of Realtors is suspect. In that study, more than 70% of buyers "did not know" what an affiliate service

provider provided or what benefit it allegedly gave.

By contrast, in 2013, The National Association of Independent Land Title Agents (NAILTA) commissioned the first-ever national settlement preference survey of American real estate consumers. More than 900 consumers participated in the nationwide survey. The results include:

93% of American real estate consumers surveyed said it was important that title insurance agents remain a neutral third party in the performance of title insurance-related services.

62% of American real estate consumers surveyed said that a title agency cannot remain objective if it is partially owned by a bank, real estate firm, mortgage company or homebuilder.

Only 1% of American real estate consumers surveyed prefer a "one stop shop".

For all the efficiencies that proponents assert existed prior to this new rule that provided a disincentive to refer homebuyers to controlled/affiliated title firms, settlement costs—exclusive of inflation—continue to rise. I believe the CFPB's rule could actually lower title insurance premiums and increase homeownership for Americans.

I have concerns about a market where people assert that half or more the cost of the product is a referral fee unlinked to the product itself. Consumers and independent title insurance agents say that title insurance premiums can provide remuneration to the referral source based on the capture rate such as lower desk rental fees, bonuses, gifts or higher commissions. This should not be permitted.

I urge members to stand with homebuyers who want to understand all the fees they are charged.

I urge members to support a market free of pressures for referral commissions.

HONORING MEL B. O'REILLY

HON. MICHELLE LUJAN GRISHAM

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2014

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I rise to honor Mel B. O'Reilly for his dedicated work as a lawyer in New Mexico and tireless service to the Democratic Party of New Mexico.

From an early age Mel was a committed family member and disciplined individual. At the ripe age of 12, Mel's father fell ill which meant working extra shifts in the family restaurant and bar.

The extra hours he spent supporting his family meant less time for other activities and put a strain on Mel's attendance at morning chapel services. The parochial school's counselor, a Monsignor, took notice and chastised Mel in front of his peers, called him a "barmaid" and threatened to expel him. Mel stood up to the Monsignor and said: "There's no need to expel me, I'll quit school. I've got to go to work."

This hardship did not stop Mel's drive to succeed. He continued both working in the bar and studying, and during his senior year of high school, at 15 years old, Mel was ranked at the top of his class.

Still, none of colleges Mel applied to accepted him; he would later find out that the mon-

signor wrote to every school and told them to reject him. It was not until Mel took a trip with some friends to Long Island that Mel met a recruiter from St. Michael's College in Santa Fe, NM. That recruiter saw a bright young man in Mel, and St. Michael's College welcomed him with open arms, forever changing his life.

Mel would go on to graduate from St. Michael's College, and afterward from the University of New Mexico School of Law in 1971. That same year, Mel married Monica McCormick, daughter of Don G. McCormick, and moved to Carlsbad to join the late Mr. McCormick's law firm.

A few years later, Mel and Monica moved to Ruidoso where they raised twins, Colm and Dylan, and their youngest son, Brendan. Mel eventually opened his own law firm in Ruidoso in the late 70s. Mel practiced in all areas of law while in Ruidoso and developed an expertise in banking, commercial, corporate, real estate, and probate law.

In 1989, Mel and the family moved to Albuquerque where he set up his private practice working on everything from personal injury and wrongful death to contract and collection cases. It was in Albuquerque where Mel volunteered his legal services to the Democratic Party of New Mexico, and served as a long-time ward chairman and Democratic Party supporter. He served many roles, including Chair of the Democratic Party of New Mexico's Resolutions Committee, the Rules Committee, and the Platform and By-Laws Committee and respective committees for the Democratic Party of Bernalillo County.

A successful lawyer, community icon, and loving father—Mel is a talented man of courage and integrity. His character, love of life, enthusiasm and selflessness are felt by all who know him. As Mel enters retirement and reflects on his life and career, his proudest accomplishment is his family. He is very proud that he and his wife Monica raised three successful children: Dylan of Farmington and Brendan of Albuquerque who are both lawyers, and Colm who is an electrical engineer and renewable energy consultant living abroad.

I wish Mel all the best as he looks forward to traveling with Monica, diving with Colm, and spending time with Dylan and Brendan in his retirement. His achievements and accomplishments are truly remarkable. I join his family and friends in celebrating the contributions he made, throughout his life, to his family, his community, and the great State of New Mexico.

IN RECOGNITION OF SISTER  
SHIRLEY SAUNDERS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2014

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Sister Shirley Ann Saunders as she celebrates her 25th anniversary as First Lady of North Stelton A.M.E. Church in Piscataway, NJ. Sister Shirley's service to the congregation and the Piscataway community will be honored as North Stelton A.M.E.'s Women's Day Celebration and is truly deserving of this body's recognition.

The wife of Pastor Kenneth L. Saunders, Sr., Sister Shirley has been an active member